City of Lafayette Staff Report

For:	City Council
By:	Michael P. Cass, Assistant Planner
Date Written:	June 2, 2009
Meeting Date:	June 8, 2009
Subject:	**S02-09 & V01-09 CITY OF LAFAYETTE (APPLICANT & OWNER), R-10 ZONING**: Request for: (1) Sign Permit pursuant to Section 6-2523(c) of the Lafayette Municipal Code ("LMC") to construct a ~~45~~ 42 sq. ft. one-sided freestanding sign and a 84 sq. ft. (~~22.5~~ 42 sq. ft. per face) two-sided freestanding sign; both signs are externally illuminated and 5'-6" high, and (2) Variance from Section 6-2554(a) LMC to exceed the limit of one freestanding sign per street frontage, 6-2554(c) LMC to exceed the limit of 25 sq. ft. in area per side of the freestanding sign, Section 6-2565(b) LMC to exceed the aggregate sign area of 80 sq. ft., and Section 6-2565(a)(2) to allow the signs to be illuminated, located at 500 Saint Mary's Road, APN 237-260-035.
Statutory Deadline:	June 12, 2009 (with PSA extension)

Project History
On March 24, 2009, the Design Review Commission conditionally approved applications S02-09 and V01-09, authorizing the City to install a one-sided freestanding sign at the northern entrance and one two-sided freestanding sign at the southern entrance to the Lafayette Community Center. Staff attached the approved plans to this staff report. Notable conditions of approval include the following:

COA #8: The applicant shall obtain an encroachment permit / encroachment agreement from the City Council to install signage on public property.

Staff Comments
Planning Services Division Staff consulted with Engineering Services Division Staff. The City Engineer indicated that the requirement for an encroachment permit and/or an encroachment agreement is not applicable, as the signage will be installed and maintained by City representatives on public property. This requirement is intended for non-City-initiated projects.

Staff Recommendations
Waive the requirement for an encroachment permit and an encroachment agreement and authorize Parks, Trails, & Recreation staff to install the approved signage.

Attachments
A. Approval Letter • DRC Resolution 2009-03 • Exhibit "A" Conditions of Approval
B. Signage Details, dated March 19, 2009
C. Existing & Proposed Site Plan, received March 18, 2009

10 A

LAFAYETTE

CITY COUNCIL

Don Tatzin, Mayor
Brandt Andersson, Vice Mayor
Mike Anderson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

March 25, 2009

City of Lafayette
Attn: Jennifer Russell
500 St. Mary's Road
Lafayette, CA 94549

RE: **S02-09 & V01-09 CITY OF LAFAYETTE (APPLICANT & OWNER), R-10 ZONING**: Request for: (1) Sign Permit pursuant to Section 6-2523(c) of the Lafayette Municipal Code ("LMC") to construct a ~~45~~ 42 sq. ft. one-sided freestanding sign and a 84 sq. ft. (~~22.5~~ 42 sq. ft. per face) two-sided freestanding sign; both signs are externally illuminated and 5'-6" high, and (2) Variance from Section 6-2554(a) LMC to exceed the limit of one freestanding sign per street frontage, 6-2554(c) LMC to exceed the limit of 25 sq. ft. in area per side of the freestanding sign, Section 6-2565(b) LMC to exceed the aggregate sign area of 80 sq. ft., and Section 6-2565(a)(2) to allow the signs to be illuminated, located at 500 Saint Mary's Road, APN 237-260-035.

Dear Mrs. Russell:

On Tuesday, March 24, 2009, the Design Review Commission considered your application described above. The Commission approved your application based on the required findings and subject to 10 conditions. There is a 14-calendar day appeal period from the date of action in which this decision may be appealed to the City Council. This approval shall expire one-year from the approval date unless a building, grading, or demolition permit has been issued by Contra Costa County Building Inspection Department for the project.

Please review all the conditions of approval carefully and be sure that everyone who will be involved with the development of this project is fully aware of these conditions. You may be required to submit separate applications, plans, and fees to other City departments or local agencies outlined in the conditions of approval. Please submit three (3) sets of construction drawings to the Planning Services Division and the project planner will review the construction drawings for conformance to the approved design drawings and ensure that the applicable conditions have been fulfilled. Please allow for approximately one (1) week for planning review.

Hyperlinks are provided for the applicable handouts, applications, and documents referenced in the conditions of approval. Alternatively, the referenced documents may be obtained by visiting the City's website, www.lovelafayette.org.

No changes to the approved project, except those required by the conditions of approval, are to occur without prior approval by the City. Please note that all plan reviews and/or field inspections require a minimum 72-hour notice.

Please contact me at (925) 299-3219 or MCass@ci.lafayette.ca.us, if you have any questions.

Sincerely,

Michael P. Cass
Assistant Planner

Enc.: DRC Resolution 2009-03 • Exhibit "A" – Conditions of Approval • How to Get a Building Permit in Lafayette Handout

C: File S02-09 & V01-09

3675 MT. DIABLO BLVD., SUITE 210, LAFAYETTE, CA 94549
TELEPHONE: (925) 284-1968 • FAX (925) 284-3169
http://www.ci.lafayette.ca.us

Design Review Commission Resolution 2009-03

A RESOLUTION OF THE DESIGN REVIEW COMMISSION OF THE CITY OF LAFAYETTE CONDITIONALLY APPROVING: **S02-09 & V01-09 CITY OF LAFAYETTE (APPLICANT & OWNER), R-10 ZONING**: Request for: (1) Sign Permit pursuant to Section 6-2523(c) of the Lafayette Municipal Code ("LMC") to construct a ~~45~~ 42 sq. ft. one-sided freestanding sign and a 84 sq. ft. (~~22.5~~ 42 sq. ft. per face) two-sided freestanding sign; both signs are externally illuminated and 5'-6" high, and (2) Variance from Section 6-2554(a) LMC to exceed the limit of one freestanding sign per street frontage, 6-2554(c) LMC to exceed the limit of 25 sq. ft. in area per side of the freestanding sign, Section 6-2565(b) LMC to exceed the aggregate sign area of 80 sq. ft., and Section 6-2565(a)(2) to allow the signs to be illuminated, located at 500 Saint Mary's Road, APN 237-260-035.

RECITALS

A. On January 13, 2009, Jennifer Russell, applicant, submitted an application on behalf of the City of Lafayette, property owners, requesting review and approval of applications S02-09 and V01-09 for a sign permit and a variance.

B. On January 13, 2009, the application was deemed complete.

C. On January 27, 2009, the Design Review Commission, following notification to the public in the prescribed manner, conducted a public hearing where it received written and oral testimony, including a staff report. After consideration and deliberation, the Commission continued the matter to February 24, 2009 to allow the applicant to make the following modifications:

1. Reduce the quantity of signs. Refine proposed signage to match new freestanding "Lafayette Community Center" signage, including trim (routed white band), color, material, and include business name, address, and City logo.

2. Reconsider siting of signage to relate to the building or entrance/exit of the property.

3. Create a plan for all signage within 10'-0" of Saint Mary's Road.

D. On February 24, 2009, the Design Review Commission continued the matter without consideration to March 24, 2009 to allow the applicant to revise the application in response to the Commission's comments and review by the Parks, Trails & Recreation Commission.

E. On March 11, 2009, the Parks, Trails & Recreation Commission forwarded a recommendation of approval to the Design Review Commission, subject to the following recommendations:

1. Prefer original proposal with the "V-shaped" orientation, located between the northern and southern entrances.

2. Replace the sign at the southern entrance to match the proposed signage at the northern entrance.

3. Maintain signage for Senior Services Center.

F. On March 24, 2009, the Design Review Commission, following notification to the public in the prescribed manner, conducted a public hearing where it received written and oral testimony, including a staff report. After consideration and deliberation, the Commission approved the application based on the required findings and subject to conditions of approval as shown in Exhibit "A".

NOW, THEREFORE, the Design Review Commission of the City of Lafayette, California finds and determines as follows:

1. All the facts contained in the staff reports of January 27, 2009, February 24, 2009, and March 24, 2009 are hereby adopted as the Commission's own findings of fact and incorporated into this resolution by reference.

2. The required findings, including design criteria for the Sign Ordinance and required findings for a sign permit variance, have been evaluated by the Commission as follows:

   §6-2526 Design Criteria of the Sign Ordinance

   As required by Section 6-2526 of the Lafayette Municipal Code, the Design Review Commission shall apply the following design criteria in reviewing each sign application:

   1. Architectural Compatibility. The sign shall be compatible in size, character and quality of design with the exterior architecture of the premises and other structures in the immediate area.

      The proposed signage is similar to the existing freestanding sign, located at each public park within the City, in terms of shape, dimensions, style, colors and materials. Additionally, the proposed sign utilizes vertical posts to complement the existing board and baton siding on the existing buildings at the subject property. The signs located at the northern and southern entrances are proposed o match each other.

   2. Simplicity. To the extent feasible, the sign should be graphic and with limited use of words, with the design emphasis on simplicity of style. A simple design or abstract graphic design is preferred. Similarly, a simple sign frame and supporting structure is preferred.

      The proposed signage includes no permanent graphics or words, as the sign copy will be continually updated to correlate with upcoming events and classes. The proposed signage is simple and legible, through the use of basic geometric shapes. The sign is designed to match the sign style with the Downtown Banner Box, located at the corner of Mount Diablo Blvd. and Moraga Road. All temporary signage will comply with the Community Events Board Banner Guidelines, specifically no more than four lines of text are acceptable.

   3. Identification. A commercial sign should be designed for the primary purpose of identifying a business or office.

      The proposed signage includes no permanent graphics or words, as the sign copy will be continually updated to correlate with upcoming events and classes. The sign copy will identify the services rendered at the Community Center.

   4. Fewer Signs. In the use of the total sign allowance at a particular premise, the use of a minimum number of signs is preferred to the use of many signs so that a cluttered effect is avoided.

      The applicant proposes to remove four signs and install two new signs. The application includes a net reduction of two signs. The subject application will remedy an existing non-conforming situation, in terms of non-permitted signs.

   5. Shape, Size and Orientation. The shape of a sign should not conflict with the architectural lines of its setting. Signs should be directed toward the passing motorist and the pedestrian. No sign should be designed to be readable from the freeway or to attract motorists from a great distance.

      The proposed signs do not conflict with the architectural lines of their setting, as the signs are rectangular and utilize basic geometric shapes. Signage is directed towards vehicular and pedestrian traffic, as the freestanding signs are proposed to be located at each entrance to the subject property. The signage is not legible or visible from the freeway.

6. Illumination and Colors. A sign must not overpower its surroundings through hue, saturation and brilliance or close combination of incompatible colors. Sources of illumination should be screened from public view and should be designed to avoid glare onto a street or adjacent property.

   The applicant proposes to install an external illumination box to illuminate the interchangeable event signage. The proposed box will screen the illumination source. Light will be directed solely at the proposed signage. The applicant proposes to utilize background colors that are consistent to the colors of the existing freestanding sign.

7. Landscaping. A sign should be placed with consideration for existing and future growth of trees and other landscaping. A freestanding sign must be placed in a landscaped area or planter, with landscaping maintained in a thriving manner.

   The proposed freestanding sign is located within an existing landscape planter that includes oak trees and a few low shrubs and bushes. The existing landscaping is predominantly native, consistent with City policies, practices, and guidelines. No new landscaping is proposed.

8. Compatibility with Adjacent Uses. The design and location of a sign should not impair the visibility or the design quality of existing conforming signs.

   The design and location of the proposed monument sign will not impair the visibility of existing signage, as it is proposed to replace existing signage. The proposed signage does not impact the design quality of existing conforming signage as it is designed to match the design style (particularly the existing freestanding sign).

§6-2527 Required Findings for Sign Permit Variance.

When practical difficulty, unnecessary hardship or a result which is inconsistent with the purpose and intent of this chapter occurs from the strict application of this chapter, the design review commission may grant a variance with respect to the regulations in this chapter relating to the height, area, location or number of signs allowed if it finds that all of the following conditions exist:

1. Because of a special circumstance concerning the subject property, including size, shape, topography, location or surroundings, the strict application of this chapter would deprive the applicant of privileges enjoyed at other properties in the vicinity and in the same land use district;

   The subject property includes a number of special circumstances that differentiate it from other properties within the vicinity and other properties within the R-10 zoning district. The subject property is substantially larger than the adjacent properties. The subject property includes a community facility and civic use and not a single-family residence. The subject development, while in a single-family residentially zoned district, is more compatible with commercial use, as there are a number of different rooms (similar to separate tenants). Additionally, the subject property has three principle frontages for the main building and one principle frontage for the Manzanita Room, where single-family residences usually have only one principle frontage. The additional frontages warrant additional signage.

2. The variance would not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district; and

   The variance will not constitute a special privilege, as there is existing non-residential development in residentially zoned zoning districts where a variance has been granted or there are non-conforming to the aggregate signage limitation. The existing signage on the subject property became non-conforming when the aggregate limit was established

and exempt signage was included in this limitation. Properties with similar circumstances include Buckeye Fields, educational facilities, and religious institutions. The illumination will not warrant a special privilege as the sign includes address identification.

3. The special conditions or unique characteristics of the property were not created by the applicant, property owner, tenant, lessee or any party otherwise in control of the property.

   The special conditions were not created by the City of Lafayette, as there was an educational facility on the subject property, prior to the establishment of the Lafayette Community Center. The establishment of the Community Center merely continued the existing unique circumstances.

3. Based on the above findings, the Design Review Commission hereby approves the request for a sign permit and a sign variance, subject to the conditions contained in Exhibit "A" attached to this resolution.

4. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the Design Review Commission of the City of Lafayette, California at a meeting held on March 24, 2009 by the following vote:

AYES:	Chair Lee, Vice Chair Ptaszynski, and Commissioner Cleaver
NOES:	None
ABSENT:	Commissioners Hertel and Marquand
ABSTAIN:	None

ATTEST:

Niroop K. Srivatsa,
Planning & Building Manager

Tom Lee
Design Review Commission Chair

ATTACHMENT(S):
Exhibit "A" – Conditions of Approval

EXHIBIT "A"
OF DRC RESOLUTION 2009-03

CONDITIONS OF APPROVAL • S02-09 & V01-09 CITY OF LAFAYETTE
Project specific conditions of approval are shaded

ONGOING CONDITIONS	FOR STAFF USE ONLY
1. Development shall conform to the site plans, elevations, and details (Option #1) received March 18, 2009 and March 19, 2009, on file at the City Offices, as modified by these conditions.	Ongoing condition.
2. The applicant may modify the sign copy for the freestanding sign to include recreation programs and special events that will occur at the Lafayette Community Center or be sponsored by the City of Lafayette or the Parks, Trails & Recreation Department.	Ongoing condition.
3. Pursuant to §6-250 of the Lafayette Municipal Code, this approval shall expire one year from the approval date unless a building permit has been issued for the project. The Planning & Building Services Manager may extend the period to exercise the permit for up to one additional year, upon a showing of good cause, if such request is received in writing prior to the expiration date.	Ongoing condition.
4. No changes shall be made to the approved plans or color and materials without review and approval by the Planning Services Division and/or appropriate commissions as determined by the Planning & Building Services Manager. If changes are approved by the City, the applicant shall prepare three sets of revised plans for review and approval by the Planning Services Division. Once the revised plans are stamped "approved", the applicant shall submit the revised plans to the Lamorinda Building Inspection Office for their review and approval.	Ongoing condition.
5. Construction plans shall conform to the approved design drawings. The applicant shall indicate to staff at the time of submittal for building permit plan check, any and all modifications, clarifications, or changes on the construction drawings from the approved design drawings.	Ongoing condition.
6. The applicant shall defend, indemnify and hold harmless the City of Lafayette, (its agents, officers and employees) from an action, or proceeding against the City that attacks or seeks to, set aside this approval, if the action or proceeding is brought within the applicable time period of Government Code Section 65009. If the City is aware of such action or proceeding it shall promptly notify the applicant and cooperate fully in the defense. If the City fails to promptly notify the applicant, or fails to cooperate fully in the defense, the applicant is not thereafter responsible to defend, indemnify or hold the City harmless. This condition does not prohibit the City from participating in the defense of the action, or proceeding, if both of the following occur: (1) the City bears its own attorney's fees and costs; and (2) the City defends the action in good faith. In this condition "applicant" means each person who qualifies as an applicant as that term is defined in L.M.C. sections 6-203.	Ongoing condition.

PRIOR TO ISSUANCE OF BUILDING PERMITS OR INSTALLATION OF SIGNAGE	
7. The conditions of approval set forth in this document Exhibit "A" shall be duplicated in the construction drawing plan sets for the benefit of the contractor(s), subcontractor(s) and inspector(s).	☐ Satisfied DATE:_____ STAFF:_____

8. The applicant shall obtain an encroachment permit / encroachment agreement from the City Council to install signage on public property.	☐ Satisfied DATE:_____ STAFF:_____

PRIOR TO RELEASE OF "HOLD-ON-FINAL" STATUS AND FINAL BUILDING INSPECTION	
9. The applicant shall remove all temporary new business signs or otherwise prohibited signs. Permanent banner signs are subject to Design Review Commission approval and may not be installed without Sign Permit approval. Violations of the Sign Ordinance (Chapter 6-25) may be abated and/or subject to fines pursuant to Sections 6-2582 and 6-2580 of the Lafayette Municipal Code (LMC). Prohibited signs include but are not limited to the following, 6-2530 LMC: ❑ A-frame signs (sandwich boards) ❑ Temporary banner signs not identifying a new business ❑ Portable signs which are designed to be moved and are not permanently attached to the ground, building, structure, or other thing. ❑ Mobile signs which are attached to, leaning against or suspended from a vehicle which is not an integrated part of the vehicle or are mounted on any type of deice movable or capable of being moved by a vehicle ❑ Off-site signs including bench signs, billboards, poster panels, and directional signs ❑ Flashing, moving, rotating, animated or inflated signs	☐ Satisfied DATE:_____ STAFF:_____
10. The applicant shall contact the Lafayette Planning Services Division at least 72 hours prior to requesting a final building inspection from the Contra Costa County Building Inspection Department. The applicant shall request an inspection of the project by Planning Services Division staff to confirm that all conditions of approval have been met and that the project was constructed in accordance with approved plans. Planning Services Division staff will release the "Hold" on the final building inspection when all conditions of approval have been met and a site inspection finds that the project was constructed in accordance with approved plans, including but not limited to siting, grading, retaining walls, tree protection measures, location of windows & doors, and building color.	☐ Satisfied DATE:_____ STAFF:_____

- end -

Community Center Entrance Signs with Event Display Boxes

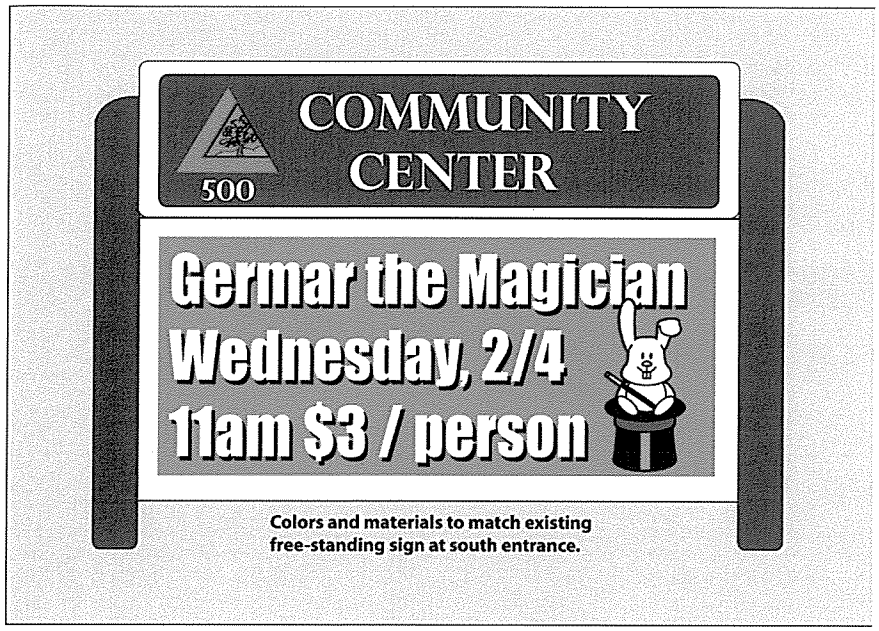
March 19, 2009

APPROVED

OPTION #1:

1-SIDED SIGN AT NORTH ENTRANCE

2-SIDED SIGN AT SOUTH ENTRANCE



Sign Specifications for North Entrance:
Total Size of Sign (including posts): 7'-6" wide x 5'-6" feet tall x 6" deep

Posts (2): 6" x 6" x 8'-0" tall with 2'-6" buried in the ground. Made of redwood and stained with Cabot Brand, Bark-Solid color to match existing address sign.

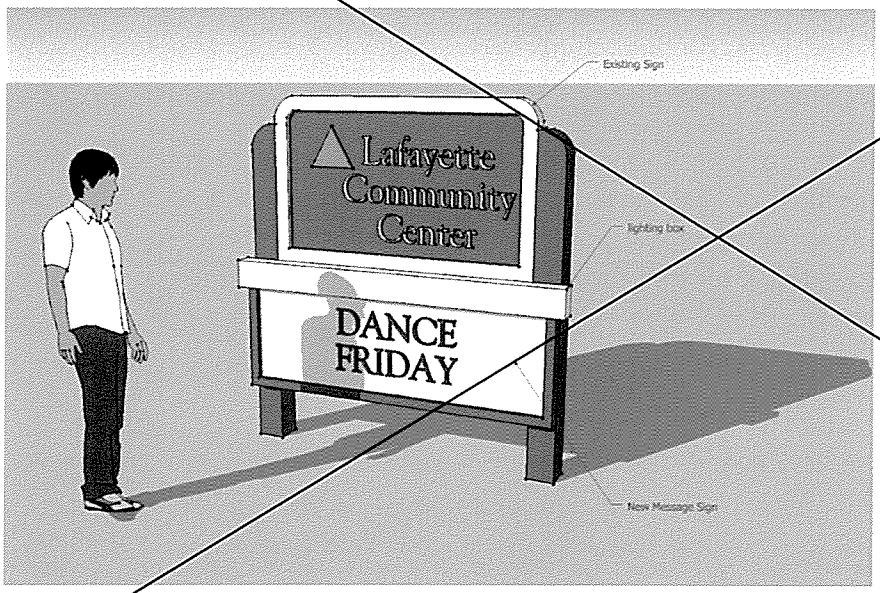
Address Section at top: 6'-6" wide x 2'-0" tall x 3" deep. Made of redwood with routed letters painted to match existing address sign.

Illuminated Box for Interchangeable Event Banners: 6'-6" wide x 3'-0" tall x 4" deep. Made of Exterior Aluminum perimeter and heavy duty door frame with a dark bronze anodized finish. Single top piano hinged door with glazing of clear polycarbonate or tempered , key locks, and prop open rods. Mounted between posts by others. Aluminum background with black vinyl impregnated cork board on exterior substrate. Unit to be weather sealed and to have a sheet metal back pan for exterior application.

OPTION #2:

1-SIDED SIGN AT NORTH ENTRANCE *(Sign above)*

ADAPTING EXISTING SOUTH ENTRANCE SIGN *(Sign below)*

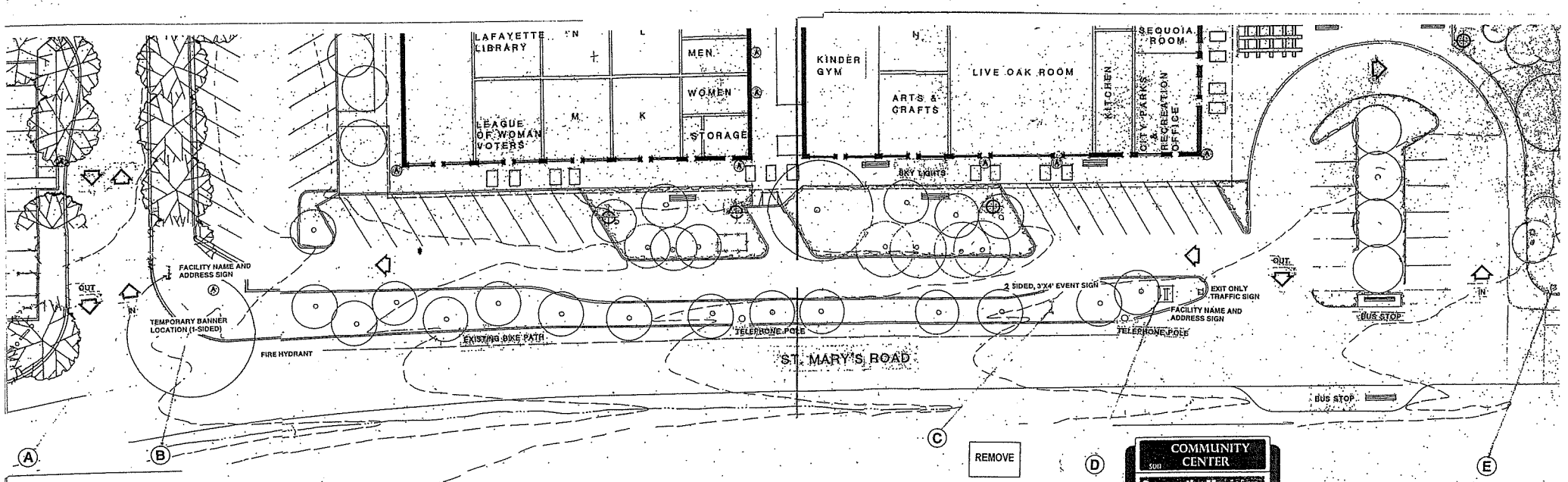


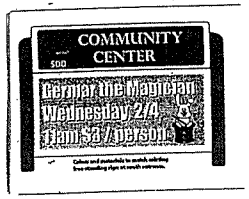
Sign Specifications for South Entrance:
Total Size of Sign (including posts): 5'-11" wide x 6'-0" tall x 5 ¼" deep

Posts (2): 5 ¼" x 5 ¼" x 6'-0" tall. Made of redwood and stained dark brown.

Address Section at top: 5'-0" wide x 2'-6" tall x 3" deep. Made of redwood with routed, painted letters and routed and painted City logo.

Illuminated Box for Interchangeable Event Signs: 5'-0" wide x 2'-0" tall x 4" deep. Made of Exterior Aluminum perimeter and heavy duty door frame with a dark bronze anodized finish. Single top piano hinged door with glazing of clear polycarbonate or tempered , key locks, and prop open rods. Mounted between posts by others. Black vinyl impregnated cork board on exterior substrate. Unit to be weather sealed and to have a sheet metal back pan for exterior application.





Remove signs A and B with new one-sided sign.

REMOVE

REPLACE CURRENT ADDRESS SIGN WITH NEW 2-SIDED SIGN THAT MATCHES NEW 1-SIDED SIGN AT NORTH DRIVEWAY

Lafayette Community Center

APPROVED

FILE COPY

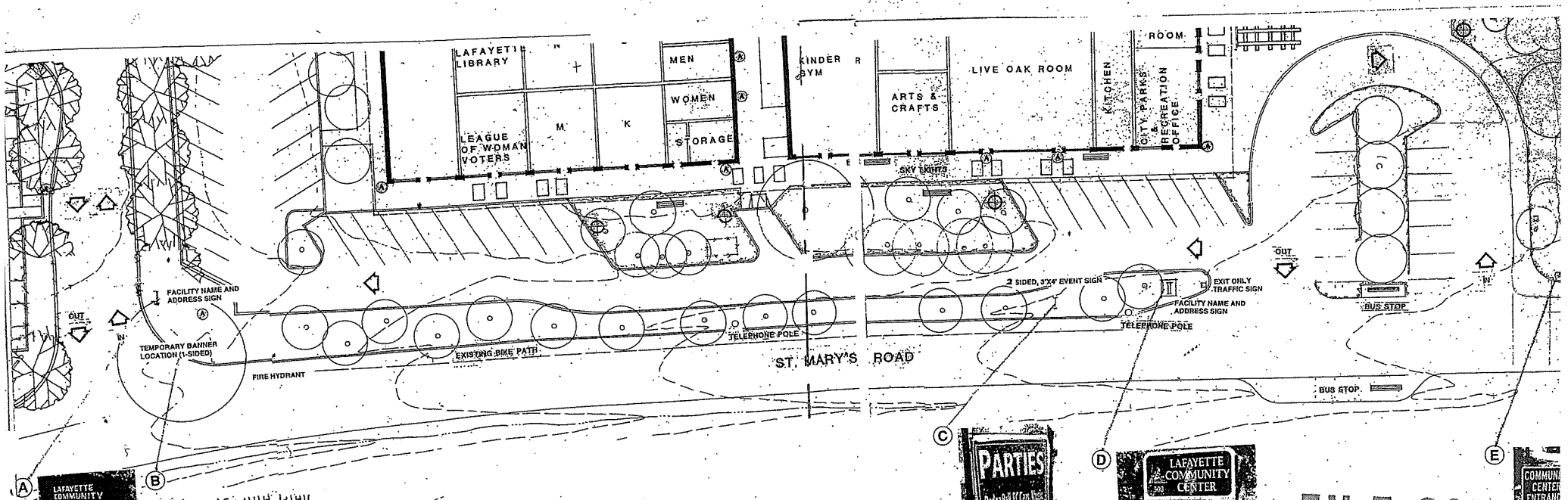
Proposed Signs

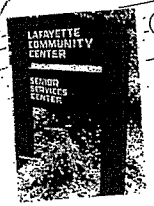
S02-09/V01-09

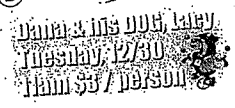
RECEIVED

MAR 18 2009

CITY OF LAFAYETTE PLANNING DEPT.







Current Signage

Lafayette Community Center

FILE COPY

APPROVED

Existing Signs

SO2-09/V01-09

RECEIVED

MAR 18 2009

CITY OF LAFAYETTE
PLANNING DEPT.